

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES B. TURNER, et al.,

Plaintiffs,

v.

LOCKHEED SHIPBUILDING
COMPANY, et al.,

Defendants.

C13-1747 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The motion for summary judgment brought by defendant Lone Star Industries, Inc., successor-in-interest to Pioneer Sand & Gravel Company (“Lone Star”), docket no. 89, is GRANTED in part, DENIED in part, and DEFERRED in part as follows:

(a) With regard to plaintiffs’ claims for conspiracy, spoliation, willful or wanton misconduct, breach of warranty, and market-share liability, Lone Star’s motion for summary judgment is GRANTED, and such claims are DISMISSED with prejudice.

(b) With regard to plaintiffs’ claims relating to direct exposure to an asbestos-containing product from Lone Star, the motion is DENIED. Genuine disputes of material fact exist and preclude summary judgment. Fed. R. Civ. P. 56(a).

(c) With regard to plaintiffs’ claims relating to indirect exposure to an asbestos-containing product from Lone Star, the motion is DEFERRED.

1 (2) Lone Star's motions in limine, docket nos. 125 & 139-1, are DEFERRED
2 in part and STRICKEN in part as moot, as follows:

3 (a) Lone Star's motions relating to (2) the testimony of Carl A. Brodtkin,
4 M.D.; (3) the testimony of William Longo, Ph.D.; (4) the testimony of Susan
5 Raterman; (5) the testimony of William O. Brandt; (6) the testimony of plaintiff's
6 co-workers concerning Insulag; and (7) governmental and nongovernmental
7 reports, policies, commentaries, etc. are DEFERRED;

8 (b) Lone Star's motions relating to (1) cumulative asbestos exposure;
9 (8) appeals to passion or prejudice; and (9) references to Lone Star as a member of
10 the "asbestos industry" are STRICKEN as moot in light of the Court's rulings
11 concerning the motions in limine brought by Lockheed Shipbuilding Company
12 and ON Marine Services Company, LLC, Ferro Engineering Division ("ON
13 Marine"). Such rulings apply with respect to all parties, except as otherwise
14 stated. Plaintiffs may refer to Lone Star and ON Marine in a similar manner, with
15 the same restrictions as stated in the Minute Order addressing ON Marine's
16 motions in limine.

17 (3) Counsel shall be prepared to address the deferred portion of the motion for
18 summary judgment and the deferred motions in limine identified in Paragraph 2(a) at the
19 Pretrial Conference scheduled for November 26, 2013, at 10:00 a.m.

20 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
21 record.

22 Dated this 22nd day of November, 2013.

23 William M. McCool
Clerk

s/Claudia Hawney
Deputy Clerk